

The Tombstone Epitaph
Published Every Sunday
Morning
Gives all the news of the county, state and general, and more especially events and happenings of interest to the people of Tombstone and Cochise county.

Tombstone Epitaph

THE PIONEER NEWSPAPER

OF COCHISE COUNTY

Reading Rooms, U. S. & A.

The Tombstone Epitaph
Subscription Rates
One Year\$2.50
Six Months1.25
Single Copies05
Address:
The Tombstone Epitaph
Tombstone, Arizona.

VOLUME XXXV

TOMBSTONE, COCHISE COUNTY, ARIZONA, SUNDAY, NOVEMBER 26, 1922

NUMBER 6

LACK OF MILLS HAMPERS MINING IN TOMBSTONE

(By ARCHIE KELLY)

The prediction that ore shipments from the camp this month would exceed those of last month has been amply verified, as is shown by the extra force of loaders at the plant.

Paul A. Smith and his father, and G. E. Ivey added about 70 tons to this month's output.

When one sees to much ore of a shipping grade going out of the camp and not a mill on the job to treat the immense tonnage of lower grade ores that are really the backbone of the mining industry, he wonders if the Japanese are not about right when they say that we Americans are the most extravagant people on earth.

I am in Arizona since Christmas day of 1880; am familiar with the history of the mines of the state, and have worked in all the mining camps of the state of Sonora, from Los Mochis mines in the extreme southeastern part of that state, clear through to the desert district, Altar, and at no place have I ever seen so much shipping ore crowded into such a small space as is found in the Tombstone mining district.

I have seen richer mines in Sonora than any found in Tombstone, but they are few and far between and are clannish, for there are but few of them and they are many miles apart.

Las Chispas mine, on the Sonora river, is the richest mine I ever saw, but it is alone in the whole district of Arizona, while here in Tombstone are not less than thirty shippers within a radius of two square miles.

It is universally conceded that it costs 50 cents an ounce to produce silver, and when one considers that the ores of Tombstone are taxed 20 per cent in royalty and penalized at both smelters for lead, chloride and silica, the ores must be extra good to pay all expenses out of 50 per cent of their value and leave a dollar for the rainy day to the shipper.

All lead shipped to the Douglas smelters is a dead loss to all concerned, and they pay only 50 cents per ounce for silver chloride ore, and some of the ores of Tombstone carry as high as 35 ounces in silver chloride, of which half of it, 17.5 ounces, is a dead loss if shipped to the copper smelters.

All such chlorides never carry less than 60 per cent of silica, and when shipped to El Paso one gets full market price for the silver contents, but they penalize one 5 cents per unit for the silica, which never amounts to less than \$1.00 per ton.

So, play the game as you will, the ores of the camp are taxed to death for the lack of a reduction plant here on the ground.

SIX BLISS TICKETS ISSUED THIS WEEK.

Six couples applied for a license to wed this week at the office of Clerk J. E. James, of the Superior court. They were:

Cruz C. Contreras and Refugia Chavez, of Cochise.

Ray Rambo and Stella Juntholm, of Bisbee.

Enrique Rodriguez and Maria Luisa Ybarra, of Naco, Sonora.

Richard E. Andrews and Grace Whalley.

Juan Guerrero and Concha Rodriguez, of Apache.

Lorenzo Alvarado and Manuela Gomez, of Douglas.

Pirtleville Man Commits Suicide Following Dance

DOUGLAS, Nov. 24.—Telling a musician at a dance in Pirtleville early this morning that he expected to commit suicide, Fred Estrada, about 25 years of age, stepped outside the building and fired a short which struck him exactly between his eyes and caused his instant death.

Death was immediate, the bullet fired from a .35 calibre Colt pistol causing a large wound in his head, the gun apparently being held at a close range.

The suicide occurred at about 7:30 o'clock this morning, the Pirtleville dance, in the Mexican quarter, having continued until shortly after daylight.

DEATH OF MAGON RECALLS MEMORIES OF TRIAL HERE

LOS ANGELES, Nov. 24.—Memories of the Magonistas, social revolutionists, who caused federal authorities in Los Angeles considerable trouble during the world war, were revived yesterday with news of the death in Fort Leavenworth prison of Ricardo Magon, alias "The Scorpion." Ricardo, with his brother, Enrique, had troubled Mexican and American officials for 20 years with their radical activities and revolutionist plots.

Ricardo was convicted under the espionage act, following publication in 1915 of asserted disloyal articles in a newspaper, La Regeneracion, owned by him and Librado Rivera. The government charged that the articles, which were printed in Spanish, were designed to incite the large Mexican population of southern California against the successful prosecution of the war.

Magon and Rivera were sentenced to terms in the federal penitentiary at McNeil's Island, and Magon later was transferred to Fort Leavenworth prison. In 1920 Magon was convicted in the United States district court here, with his brother, Enrique, of violating the neutrality laws in inciting revolution against the Mexican government. They were sentenced to 25 months' imprisonment at McNeil's Island. Hundreds of Mexicans rioted in front of the federal building after the trial.

Ricardo and Enrique were active in revolutionary tactics in Mexico beginning in 1903. They were expelled during the Diaz administration, but returned and headed radical factions in the Madero revolution and the Orozco uprising. The Magonistas used a red flag as their emblem. For several years they were classed among the most dangerous radicals in Los Angeles.

The news of the death of Magon also recalls the trial of the Magon brothers for violation of the neutrality laws, which was held in Tombstone about ten years ago, as a result of which Ricardo Magon served 19 months in the Florence prison. Following his release he went to California, was sentenced from there for a similar offense. The trial here is recalled as one of the most interesting ever held in Arizona.

DRILL AT ELGIN WELL

NOW DOWN 640 FEET
NOGALES, Ariz., Nov. 24.—According to the report of the driller at the Elgin well of the Nogales Oil & Gas Company, the drill at noon Wednesday was down 640 feet.

COMPACT TO PROVIDE EQUITABLE DIVISION OF WATER IS FINISHED

SANTA FE, N. M., Nov. 24.—In the historic Ben Hur room of the old Palace of the Governors in Santa Fe, and on the lap board on which General Lew Wallace wrote most of his manuscript for Ben Hur, representatives of seven states, at 6:15 o'clock tonight, signed a compact to secure the equitable agricultural and industrial development of the Colorado river basin, the storage of its waters and the protection of life and property from flood.

The states signatory to this compact, the first of its kind in America, are Arizona, California, Colorado, Nevada, New Mexico, Utah and Wyoming. The signers in the order of states given are W. S. Norvell, W. F. McClure, Delph E. Carpenter, J. G. Scruggs, Stephen B. Davis, Jr., R. E. Caldwell and Frank C. Emerson.

Herbert Hoover, secretary of commerce, representing the federal government, who has presided at the conference of the Colorado river commission, composed for the foregoing, handed the signers the special gold pen provided by the state of New Mexico for the purpose which will be preserved in the state archives. Gov. Mechem, of New Mexico, and a small group of Santa Fe men and women were present at the signing. Photographs were taken of Secretary Hoover and the commissioners in the act of affixing their signatures.

The compact, completed after 16 days of intense application by the commission's at Bishop's lodge is less than 2,000 words in length and is composed of 11 articles.

Its purposes, expressed in the first article, include the following:

"To provide for the equitable division and apportionment of the use of the waters of the Colorado river; to establish relative importance of different beneficial uses of water, to promote interstate unity and to remove causes of present and future controversies."

Briefly, the compact divides the river basin into two divisions, the upper, including Wyoming, Utah, Colorado and New Mexico; the lower, Arizona, Nevada and California. The agreement apportions in perpetuity to each section the "exclusive beneficial use" of 7,500,000 acre feet of water annually including water necessary for supplying existing rights.

The lower basin is also given the right to increase such use of the water by 1,000,000 acre feet per annum. It is provided that if the United States recognizes any right of Mexico to use of the Colorado waters, it shall be supplied by the surplus, by the two divisions equally. Further apportionment of unapportioned waters may be made 40 years hence, if the present apportionment has been fully utilized. Use of the river for navigation is made subservient to agricultural use. The right of no state to regulate water use within its boundaries is abridged.

Through the appointment of commissioners, whose acts are subject to legislative approval, a provision is made for settling future interstate controversies. Present perfected rights to the beneficial use of water are unimpaired; the compact may be terminated at any time by unanimous consent; nothing in it is to affect (Continued on Page Eight)

MAN AND WIFE HELD TO COURT ON TWO CHARGES

PHOENIX, Nov. 25.—Charged with violating the Dyer act, two men, Proctor Murry and Paul M. Duncan, and a woman, Mrs. Ollie M. Mealy, were arraigned yesterday before United States Commissioner Henke. The men pleaded guilty to the charge of driving away the car of Dr. Stevens of Colorado Springs and were held on \$1000 bond each to await the order of the U. S. district court. Mrs. Mealy pleaded not guilty and was held on \$300 bond. None of the trio could furnish bond, so the men were sent to the county jail while Mrs. Mealy was again committed to the Florence Crittenton home.

The three were also charged with violation of the federal prohibition law, and again the two men pleaded guilty and were held on \$300 bond each to await the order of the federal district court. Mrs. Mealy pleaded not guilty to the prohibition charge and was held on \$300 bond. None of the trio could furnish bond, so the men were sent to the county jail while Mrs. Mealy was again committed to the Florence Crittenton home.

The capture of the trio on the Dyer act charge came about when the police arrested Murray on November 15 when he was driving in a reckless manner. He was intoxicated, the police say, and the Chandler touring car he was driving corresponds with a car reported missing by Dr. Stevens.

PHOENIX DETECTIVE ACCIDENTALLY SHOT WHEN PISTOL DROPS

PHOENIX, Nov. 25.—John Sullivan, chief of detectives of the Arizona Eastern railroad system, was taken to St. Joseph's hospital early this morning after he accidentally shot himself through the wrist in the yard office of the A. E. at Jackson and 6th streets.

Sullivan was reading a magazine in the office, and while absorbed in the story his revolver, an old fashioned .32 calibre double barrel affair, fell from his holster and struck the floor sending the bullet through Sullivan's wrist. The bullet penetrated the right wrist and sped on its way until it lodged in the ceiling of the office.

Sullivan, the police say, lost about half a pint of blood before he was taken to the hospital. His wound is not considered serious by physicians.

NEWSPAPER MAN DIES

PRESCOTT, Nov. 24.—Chas. E. Hughes, newspaper man of New York city and Los Angeles died at a local sanitarium today after a long illness. Mr. Hughes came to Prescott two months ago.

He was of Colorado Springs. The police then made a thorough investigation and after being convinced that the car was the property of the Colorado Springs doctor, they turned Murray over to the federal authorities. The two other members of the trio were placed under surveillance and were taken into custody by the federal officers on November 20.

Tucson Train Bandits Found Guilty By Jury

TUCSON, Ariz., Nov. 25.—George Winkler, Sr., and his son, Edward Winkler, were found guilty here tonight of participation in the attempted hold-up of the Golden State limited at Jaynes station, 8 miles west of here on the morning of May 16th, of this year. Both received the minimum sentence of 10 years in the state penitentiary. The jury was out for three hours and 40 minutes, returning their verdict and sentence at 7:55 o'clock. The jury's decision upon the sentence is final in this case, since the death penalty could have been imposed under the statute.

Following the reading of the verdict the jury summoned Ben Matthews, assistant county attorney and John Van Buskirk, defense attorney, into the jury room, and requested that Van Buskirk prepare a petition for the board of pardons and paroles asking that Edward Winkler be immediately paroled. The twelve men of the jury, as individuals, told Van Buskirk that they would all sign the petition, as they had desired to give the younger Winkler a suspended sentence, but had been told by the court that it was not in their power to do so.

Van Buskirk stated tonight that he would demand a new trial at the time that the judgment of the court is delivered, which Judge Kirke Moore announced would be on December 1. The demand for a new trial will be made upon the basis of alleged errors in procedure in the courts instruction, and in the admission of evidence.

Members of the jury refused tonight to state what the vote had been on the first ballots, declaring that they had agreed to divide none of the happenings in the jury room.

The two verdicts were read by Nat E. Hawke, foreman, in the presence of the two defendants, the attorneys and court attaches and a small crowd of spectators.

The elder Winkler's face blanched when the verdict was read, while that of the son betrayed little sign of emotion. The half smile which he has worn throughout the trial disappeared only for a moment and he gave no further indication of having heard the sentence. Both men recovered something of their former poise when the jury was dismissed.

Following the announcement of the final decree of judgment on December 17, he turned the men to the custody of the sheriff. The sentence imposed by the jury is final in such cases as this, however, as the conviction involved the possibility of a death sentence and under the statute the jury is given the power to fix the sentence.

The jury returned to the court room soon after the case was put in their hands at 4:15 o'clock to ask whether it was in their power to inflict a suspended sentence upon either or both of the defendants, or whether they could recommend to the court that the sentence be suspended. They then returned to the jury rooms to continue their deliberations.

RETURNS FROM COAST

DOUGLAS, Nov. 24.—Mrs. John B. Hart arrived home yesterday from California, where she has been the greater part of the summer. During her sojourn there she underwent an operation as a last resort. It proved successful and she is much improved. She was taken from the hospital to the home of her parents, Mr. and Mrs. Watson, of San Pedro, to recuperate.

Four Alleged Drug Addicts Are Sentenced

TUCSON, Nov. 25.—Four alleged drug addicts, who were arrested by the police Thursday afternoon, were given 60-day jail sentences when brought before Police Magistrate Cowan yesterday afternoon. They will be held at the city jail in an attempt to effect a cure of the habit. The men are Forrest Packer, Vernar Bradbury, James McCarthy and Chas. Frejdl.

Robert Evans, for whom the local police hold a felony warrant issued at Tombstone, was arrested by the police yesterday afternoon and is being held for the Cochise county officers. He is said to have defrauded a hotel keeper.

BURGE PURCHASED "BLACKJACK" PRIOR TO ATTACK ON BURGE

PRESCOTT, Nov. 24.—The prosecution moved swiftly today in the trial of Thomas Burge, charged with the murder of Iver Enge, former Phoenix orchard keeper, who was found unconscious in a ravine south of Prescott, June 12, and died a month later.

Enge had been beaten with a heavy instrument and stabbed with a knife. Burge and William E. Acker, sentenced to death for the crime, are alleged to have assaulted Enge and inflicted the wounds which caused his death.

Witness followed witness in the state's attempt to build up a conclusive train of circumstantial evidence against Burge. James Todd, former policeman, member of the Royal Northwest Mounted Police, and later a dishwasher in the hospital ward at Fort Whipple, where Burge was employed for a time, took the stand during the afternoon session and identified a "black-pack" which he testified he sold to Burge a few days before the attack on Enge. The same "black-pack" was also identified by H. C. Parsons, a Maricopa county deputy, who declared he found it in a Phoenix rooming house, where Burge and Acker were alleged to have stopped on their way through the city. Parsons also identified a coat label found in the same room as the "black-pack" and which he said fitted into a blue serge coat found in Burge's baggage when he was arrested at Yuma, Ariz.

Todd testified that he sold the "black-pack" to Burge for \$3 and that Burge tried to buy a larger and heavier "black-pack" from him.

Under cross examination, Deputy Parsons denied that he had threatened Burge in the Phoenix jail with the possible attention of a mob at Prescott, where "feeling was running high."

FEDERAL COURT TO OPEN SESSION IN PHOENIX ON DEC. 11

PHOENIX, Nov. 25.—The date for the opening of the Phoenix term of the United States district court has been tentatively set for December 11. The grand jury will be sworn in at that time and will return indictments until Judge William Sawtelle arrives from Tucson to take over the court.

It was announced yesterday that pleas of guilty will be accepted beginning with the opening of the court.

The trial jury is not expected to function until after Christmas.

WILL COMPLETE TROGLIA CASE NEXT MONDAY

The trial of Joe Troglia, charged with assault with intent to commit murder, which was started in the Superior court today, will not be completed until Monday when the defense will complete its case, and arguments will be made.

Most of the morning was consumed in selection of the jury and introduction of testimony started shortly after the noon recess. Jas. Giacomma, brother of Tony Giacomma, the complaining witness, occupying the stand on examination and cross-examination for the better part of an hour and a half. He was followed by Tony Giacomma, the testimony of both witnesses being practically the same, describing Troglia's attempt to draw a pistol on the latter in the Tombstone Auto Co., on September 4th.

Most of the examination dealt with the position of various pieces of furniture in the garage where the attempted assault took place and the manner in which Giacomma stopped his opponent with a blow from a baseball bat. Deputy Sheriff Harry Rafferty testified also as to conditions when he arrived to make the arrest.

Before the state rested at 3:45 at request of Walter Roche, assistant county attorney, who is conducting the state's case, the jury was taken to the garage to view the premises. The defense side of the case was started and on vote of the jury Judge Lockwood adjourned court shortly before 5:00 o'clock in order that jurors from Bisbee and Douglas could spend Sunday at home, returning here Monday morning when the case will be resumed.

The court had decided upon a night session and gave the jury the alternative of a night session or a resumption of the case Monday. When court adjourned this afternoon the defendant, Troglia, was still on the stand.

Troglia's defense is that he became engaged in an altercation with Tony Giacomma in the street in front of the garage and he was struck from the rear by Jim Giacomma. The state will controvert this testimony in rebuttal, it is understood, by facts dealing with the manner in which Troglia was struck, location of the scar and bloodspots in the garage building.

HEALTH LAW URGED

PHOENIX, Nov. 24.—A resolution recommending to the next state legislature cows for tuberculosis may be sent to continue the work of testing dairy cows for tuberculosis may be adopted by the state livestock sanitary board at its meeting next Monday, according to Ed W. Stephens, secretary of the board. The appropriation for the work, made by the fifth legislature in special session will be exhausted before the first of the year, Mr. Stephens said.

AMENDMENT 100 LOSSES BY 2,560 IN FINAL TALLY

PHOENIX, Nov. 25.—A final tabulation of the official vote on Amendment 100, providing for state construction of 100 miles of paved road on the Los Angeles-Phoenix highway, shows that the measure was defeated by a majority of 2,560 votes. The total count from Pima and Yavapai counties, the last two to report, swelled the negative majority.

The final figures are: For the amendment, 22,126; against amendment, 24,686. Final Yavapai vote: Yes, 1,190; no, 2,258.